

# Senate File 229 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON JUDICIARY  
(SUCCESSOR TO SSB 1098)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to elections or appointments to a county  
2 magistrate appointing commission.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1465SV 83  
5 jm/rj/14

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1 1 Section 1. Section 602.6502, Code 2009, is amended to read  
1 2 as follows:  
1 3 602.6502 PROHIBITIONS TO APPOINTMENT.  
1 4 A member of a county magistrate appointing commission shall  
1 5 not be appointed to the office of magistrate, and shall not be  
1 6 nominated for or appointed to the office of district associate  
1 7 judge, office of associate juvenile judge, or office of  
1 8 associate probate judge. A member of the commission shall not  
1 9 be eligible to vote for the appointment or nomination of a  
1 10 family member, current law partner, ~~or~~ current business  
1 11 partner, ~~or current member of the same office.~~ For purposes  
1 12 of this section, "family member" means a spouse, son,  
1 13 daughter, brother, sister, uncle, aunt, first cousin, nephew,  
1 14 niece, father-in-law, mother-in-law, son-in-law,  
1 15 daughter-in-law, brother-in-law, sister-in-law, father,  
1 16 mother, stepfather, stepmother, stepson, stepdaughter,  
1 17 stepbrother, stepsister, half brother, or half sister.  
1 18 Sec. 2. Section 602.6503, subsection 2, Code 2009, is  
1 19 amended to read as follows:  
1 20 2. The board of supervisors shall not appoint an attorney  
1 21 ~~or an active law enforcement officer~~ to serve as a  
1 22 commissioner.  
1 23 Sec. 3. Section 602.6504, subsection 2, Code 2009, is  
1 24 amended to read as follows:  
1 25 2. ~~A Notwithstanding section 39.11 or any other law or~~  
1 26 ~~rule to the contrary, a county attorney shall not may be~~  
1 27 elected to the commission.

1 28 EXPLANATION  
1 29 This bill relates to the election or appointment to a  
1 30 county magistrate appointing commission.  
1 31 The bill allows the board of supervisors to appoint an  
1 32 active law enforcement officer to serve as a commissioner on a  
1 33 magistrate appointing commission. Currently, such an  
1 34 appointment is prohibited.  
1 35 The bill also provides that a county attorney may be  
2 1 elected to serve on a county magistrate appointing commission.  
2 2 Current law prohibits a county attorney from being elected to  
2 3 the commission.  
2 4 The bill makes a commissioner of a county magistrate  
2 5 appointment commission ineligible to vote for the appointment  
2 6 or nomination of a current member of the commissioner's same  
2 7 office. Current law provides that a commissioner is  
2 8 ineligible to vote for the appointment or nomination of a  
2 9 family member, current law partner, or current business  
2 10 partner.  
2 11 A county magistrate commission appoints the magistrates  
2 12 authorized for each county pursuant to Code section 602.6403.  
2 13 A county magistrate commission consists of a district judge,  
2 14 three commissioners appointed by the county supervisors, and  
2 15 two commissioners elected by the attorneys residing in the  
2 16 county.

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